

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION VII

901 NORTH 5TH STREET
KANSAS CITY, KANSAS 66101

02 DEC 10 AM 10:53

ENVIRONMENTAL PROTECTION
AGENCY-REGION VII
REGIONAL HEARING CLERK

BEFORE THE ADMINISTRATOR

IN THE MATTER OF

Best Products Control Company

Respondent

)
)
) Docket No. FIFRA-07-2003-0012
)
)
) CONSENT AGREEMENT AND
) FINAL ORDER

PRELIMINARY STATEMENT

1. This administrative proceeding for the assessment of Civil Penalties was initiated pursuant to § 14(a) of the Federal Insecticide, Fungicide, and Rodenticide Act as amended, 7 U.S.C. § 136 et seq., hereinafter FIFRA. The action was instituted by Complaint and Notice of Opportunity for Hearing (hereinafter the "Complaint") filed upon Respondent, alleging violations of § 12(a)(2)(G) of FIFRA, 7 U.S.C. § 136j(a)(2)(G).

CONSENT AGREEMENT

2. For purposes of this proceeding only, Respondent does by this Consent Agreement and Final Order admit the jurisdictional allegations of the Complaint and neither admits nor denies the factual allegations contained in the Complaint.

3. Respondent hereby explicitly waives its right to contest the factual allegations and to appeal the Final Order accompanying this Consent Agreement.

4. For purposes of this proceeding only, Respondent consents to the issuance of the Order set forth below and consents to the payment of a mitigated civil penalty in the amount of Thirty-Five Hundred and Twenty Dollars (\$3,520), within thirty (30) days of the effective date of

this Order.

5. No portion of any civil penalty, interest or penalties paid by Respondent pursuant to the requirements of this Consent Agreement and Final Order may be claimed by Respondent as deductions for federal, state, or local income tax purposes.

6. Failure to pay the civil penalty may result in commencement of a civil action in Federal District Court to recover the full amount due, together with interest and penalties.

7. Nothing contained in this Consent Agreement and Final Order shall alter or otherwise affect Respondent's obligation to comply with all applicable federal, state and local environmental statutes, regulations, and applicable permits.

8. Each signatory of this Consent Agreement certifies that he or she is fully authorized to enter into the terms of this Consent Agreement and Final Order.

FINAL ORDER

1. Respondent shall pay a mitigated civil penalty of Thirty-Five Hundred and Twenty Dollars (\$3,520), within thirty (30) days of the effective date of this Order.

2. Payment shall be by cashier's or certified check, made payable to the United States Treasury, and shall bear the docket number for this matter, and shall be mailed to:

EPA- Region VII
Regional Hearing Clerk
P.O. Box 360748M
Pittsburgh, Pennsylvania 15251

3. Each party shall bear its own costs and attorney's fees in connection with this action.

In the Matter of:
Best Pest Control Company
Docket No. FIFRA-07-2003-0012

RESPONDENT:

Best Pest Control Company

By: Ruth Rheume

Title: Owner

Date: 12/2/02

COMPLAINANT:

By: Henry F. Rompage
Henry F. Rompage
Office of Regional Counsel
EPA, Region VII

Date: 12-4-02

IT IS SO ORDERED. This Order shall become effective immediately.

Robert L. Patrick
Robert L. Patrick
Regional Judicial Officer

Date: December 19, 2002

IN THE MATTER OF Best Products Control Company, Respondent
Docket No. FIFRA-07-2003-0012

CERTIFICATE OF SERVICE

I certify that the foregoing Consent Agreement and Final Order was sent this day in the following manner to the addressees:

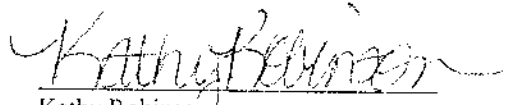
Copy hand delivered to
Attorney for Complainant:

Henry F. Rompage
Senior Assistant Regional Counsel
Region VII
United States Environmental Protection Agency
901 N. 5th Street
Kansas City, Kansas 66101

Copy by First Class Mail Return Receipt:

Ruth Rheaume, Owner
Best Pest Control Company
2320 Henton Road
Manhattan, Kansas 66502

Dated: 12/10/07


Kathy Robinson
Regional Hearing Clerk